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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLTAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:18-cv-02152-MA

Plaintiff,

v.

**COMPLAINT *IN REM* FOR
FORFEITURE**

**EIGHT (8) REAL PROPERTIES
(DEFENDANT REAL PROPERTIES),
LOCATED IN PORTLAND, OREGON
AND GRESHAM, OREGON, WITHIN
THE STATE AND DISTRICT OF
OREGON, WITH BUILDINGS
APPURTEANCES AND
IMPROVEMENTS, *in rem*,**

Defendants.

Plaintiff, United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Katherine C. de Villiers, Assistant United States Attorney, for its Complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

II.

Defendants, *in rem*, consist of eight (8) pieces of real property further described as:

- a. **13836 SE Claybourne Street, Portland, Oregon 97236:** more particularly described as,

All of the following described tract of land lying North of the center line of Johnson Creek:

A part of the Ebenezer Creswell Donation Land Claim in the Northeast one-quarter of Section 23, Township South, Range 2 East of the Willamette Meridian, the city of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a stone marking the Southwest corner of said Donation Land Claim; thence East along the South claim line, 320.1 feet to an iron pipe; thence North on a line parallel with the West claim line, 1,195 feet, more or less, to the Southwest corner of the tract of land formerly owned by Ada Nelson and more particularly described in Book 339, Page 460, Deed Records; thence South 87°42'06" West tracing the South line of said Nelson land, 160.1 feet to a point in the East line of the T.J. Smith land, more particularly described in Book 369, Page 5, Deed Records; thence South 827.36 feet to an iron pipe at the Southeast corner of the T.J. Smith land; thence West 140 feet to a stone at the Southwest corner of the T.J. Smith land; thence South 360.8 feet to the place of beginning;

- b. **1615 SE 159th Avenue, Portland, Oregon 97233:** more particularly described as,

Real property in the County of Multnomah, State of Oregon, described as follows:

Lot 19, Block 17, PARKLANE, in the City of Portland, County of Multnomah and State of Oregon;

- c. **920 SE 165th Avenue, Portland, Oregon 97233:** more particularly described as,

Lot 5, Block 6, WAUNA VISTA, in the City of Portland, County of Multnomah and State of Oregon.

Tax Account No. R298642;

- d. **15849 SE Grant Street, Portland, Oregon 97233:** more particularly described as,
Lot 6, Block 1, LILLIAN, in the City of Portland, County of Multnomah and State of Oregon.
- e. **2061 SW 29th Drive, Gresham, Oregon 97080:** more particularly described as, Lot 2, Block 8, Willowbrook, in the City of Gresham, County of Multnomah and State of Oregon;
- f. **205 NE 167th Place, Portland, Oregon 97230:** more particularly described as, Lot 4, Block 3, LARIAT LANE FRACTIONAL BLOCKS 2, 3 & 4, in the City of Gresham, County of Multnomah and State of Oregon;
- g. **12828 SE Bush Street Portland, Oregon 97236:** more particularly described as, Lot 9, REPLAT OF TRACTS 3, 4 & PART TRACT 5 LINN PARK, in the City of Portland, County of Multnomah and State of Oregon. EXCEPTING THEREFROM the South 120 feet thereof;
- h. **14062 SE Foster Road, Portland, Oregon 97236:** more particularly described as,
A tract of land in the Ebenezer Creswell Donation Land Claim in Section 14, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the center line of the Foster Road and the Northwest corner of that certain tract of land conveyed by Ray E. Dana and Mildred Dana, husband and wife, to Kingsley D. Bundy and Hattie M. Bundy, his wife, recorded May 29, 1934 in Book 252, Page 119, P.S. Deed Records of said Multnomah County; thence Easterly along said center line of the Foster Road the North line of the said Bundy tract, 88.3 feet; thence South and parallel with the west line of the said Bundy tract, 493.4 feet; thence Westerly and parallel with the said center line of Foster Road, 88.3 feet to the West line of said Bundy tract; thence North along the West line of said tract, 493.4 feet to the place of beginning.

(hereinafter, DEFENDANT REAL PROPERTIES).

DEFENDANT REAL PROPERTIES are in the District of Oregon, and are now and during the pendency of this action will be within the jurisdiction of this Court.

III.

DEFENDANT REAL PROPERTIES, as described above, represent properties used or intended to be used to facilitate the manufacture of an illegal substance (marijuana) with intent to distribute, in violation of the Uniform Controlled Substances Act, Title 21 United States Code, Sections 841, 846, and 856, and are forfeitable to the United States pursuant to the provisions of Title 21, United States Code, Section 881(a)(7), as more particularly set forth in the Declaration of Special Agent Clinton Lindsly, Homeland Security Investigations (HSI), marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, Plaintiff, United States of America, prays that due process issue to enforce the forfeiture of DEFENDANT REAL PROPERTIES, *in rem*; that due notice be given to all interested persons to appear and show cause why forfeiture of these DEFENDANT REAL PROPERTIES, *in rem*, should not be decreed; that due proceedings be had thereon; that these DEFENDANT REAL PROPERTIES be forfeited to the United States; that the Plaintiff United States of America be awarded its costs and disbursements incurred in this action.

DATED: December 14, 2018.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Katie de Villiers
KATHERINE C. DE VILLIERS
Assistant United States Attorney

VERIFICATION

I, CLINTON LINDSLY declare, under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Special Agent with Homeland Security Investigations, and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

s/ Clinton Lindsly
CLINTON LINDSLY
Special Agent
Homeland Security Investigations

DECLARATION OF CLINTON LINDSLY

I, Special Agent Clinton Lindsly, do hereby declare:

Purpose of the Declaration

1. This declaration is being submitted in support of the complaint in rem for forfeiture of the following real properties:

a. **13836 SE Claybourne Street, Portland, Oregon 97236** (hereafter referred to as “**Subject Property-1**”);



b. **1615 SE 159th Avenue, Portland, Oregon 97233** (hereafter referred to as “**Subject Property-2**”);



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c. **920 SE 165th Avenue, Portland, Oregon 97233** (hereafter referred to as “Subject Property-3”);



d. **15849 SE Grant Street, Portland, Oregon 97233** (hereafter referred to as “Subject Property-4”);



e. **2061 SW 29th Drive, Gresham, Oregon 97080** (hereafter referred to as “Subject Property-5”);



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f. **205 NE 167th Place, Portland, Oregon 97230** (hereafter referred to as “Subject Property-6”);



g. **12828 SE Bush Street Portland, Oregon 97236** (hereafter referred to as “Subject Property-7”); and



h. **14062 SE Foster Road, Portland, Oregon 97236** (hereafter referred to as “Subject Property-8”)



and collectively referred to as “**Defendant Real Properties.**”

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Introduction and Agent Background

2. I have been employed as a Special Agent (“SA”) by Homeland Security Investigations (“HSI”) since August of 2010. I am currently assigned to the ICE/HSI Office of the Assistant Special Agent in Charge, in Portland, Oregon. Previously, I was assigned to the ICE/HSI Office in Los Angeles, California, where I worked for over six years in a money laundering and narcotics group that specialized in undercover operations. My formal law enforcement training includes successfully completing the 23-week HSI basic training course at the Federal Law Enforcement Training Center in Glynco, Georgia. During the training, I learned how controlled substances are manufactured, consumed, packaged, marketed, and distributed. Since then, I have participated in dozens of drug investigations involving controlled purchase operations, physical surveillance, trash searches, vehicle tracking, cell phone geo-location techniques, cell-site simulators, undercover operations including narcotics and money laundering, and pen register/trap and trace orders. I have interviewed and managed informants in drug cases, prepared and executed search warrants, arrested and interviewed suspects, conducted physical surveillance, and operated/utilized electronic and video surveillance during my drug investigations. I have also worked with and consulted numerous agents and law enforcement officers who have investigated drug trafficking.

3. In this declaration I will demonstrate, based on the evidence I have reviewed, that there is probable cause to believe that the **Defendant Real Properties** were used to facilitate the manufacture of an illegal substance (marijuana) with intent to distribute, in violation of the Uniform Controlled Substances Act, Title 21, United States Code, Sections 841, 846, and 856, and are therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7).

4. The facts in this declaration come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This declaration is for the limited purpose of establishing probable cause. Therefore, I have not set forth each fact I have learned during this investigation, but only those facts and circumstances necessary to establish probable cause.

Legal Descriptions and Ownership of Defendant Real Properties

5. **Subject Property-1:** 13836 SE Claybourne Street, Portland, Oregon 97236, is more particularly described as:

All of the following described tract of land lying North of the center line of Johnson Creek:

A part of the Ebenezer Creswell Donation Land Claim in the Northeast one-quarter of Section 23, Township South, Range 2 East of the Willamette Meridian, the city of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a stone marking the Southwest corner of said Donation Land Claim; thence East along the South claim line, 320.1 feet to an iron pipe; thence North on a line parallel with the West claim line, 1,195 feet, more or less, to the Southwest corner of the tract of land formerly owned by Ada Nelson and more particularly described in Book 339, Page 460, Deed Records; thence South 87°42'06" West tracing the South line of said Nelson land, 160.1 feet to a point in the East line of the T.J. Smith land, more particularly described in Book 369, Page 5, Deed Records; thence South 827.36 feet to an iron pipe at the Southeast corner of the T.J. Smith land; thence West 140 feet to a stone at the Southwest corner of the T.J. Smith land; thence South 360.8 feet to the place of beginning.

It is located within the city of Portland, County of Multnomah, State of Oregon. The current title holders and owners of record are Kevin Chaoxian Yu and Shirley Xie Yu Trust.

6. **Subject Property-2:** 1615 SE 159th Avenue, Portland, Oregon 97233, is more particularly described as:

Lot 19, Block 17, PARKLANE, in the City of Portland, County of Multnomah and State of Oregon;

The current title holders and owners of record are Jianhua Liu and Baohong Deng.

7. **Subject Property-3:** 920 SE 165th Avenue, Portland, Oregon 97233, is more particularly described as:

Lot 5, Block 6, WAUNA VISTA, in the City of Portland, County of Multnomah and State of Oregon.

Tax Account No. R298642.

The current title holder and owner of record is James Wanxing Wu.

8. **Subject Property-4:** 15849 SE Grant Street, Portland, Oregon 97233, is more particularly described as:

Lot 6, Block 1, LILLIAN, in the City of Portland, County of Multnomah and State of Oregon.

The current title holder and owner of record is James Wanxing Wu.

9. **Subject Property-5:** 2061 SW 29th Drive, Gresham, Oregon 97080, is more particularly described as:

Lot 2, Block 8, Willowbrook, in the City of Gresham, County of Multnomah and State of Oregon.

The current title holder and owner of record is Hui Chang Guan.

10. **Subject Property-6:** 205 NE 167th Place, Portland, Oregon 97230, is more particularly described as:

Lot 4, Block 3, LARIAT LANE FRACTIONAL BLOCKS 2, 3 & 4, in the City of Gresham, County of Multnomah and State of Oregon.

The current title holder and owner of record is Chaojin Hu.

11. **Subject Property-7:** 12828 SE Bush Street Portland, Oregon 97236, is more particularly described as:

Lot 9, REPLAT OF TRACTS 3, 4 & PART TRACT 5 LINN PARK, in the City of Portland, County of Multnomah and State of Oregon. EXCEPTING THEREFROM the South 120 feet thereof.

The current title holder and owner of record is Zichong Xie. **Subject Property-7** was purchased with cash on December 5, 2017, for an original sale price of \$335,000.

12. **Subject Property-8:** 14062 SE Foster Road, Portland, Oregon 97236, is more particularly described as:

A tract of land in the Ebenezer Creswell Donation Land Claim in Section 14, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the center line of the Foster Road and the Northwest corner of that certain tract of land conveyed by Ray E. Dana and Mildred Dana, husband and wife, to Kingsley D. Bundy and Hattie M. Bundy, his wife, recorded May 29, 1934 in Book 252, Page 119, P.S. Deed Records of said Multnomah County; thence Easterly along said center line of the Foster Road the North line of the said Bundy tract, 88.3 feet; thence South and parallel with the west line of the said Bundy tract, 493.4 feet; thence Westerly and parallel with the said center line of Foster Road, 88.3 feet to the West line of said Bundy tract; thence North along the West line of said tract, 493.4 feet to the place of beginning.

Subject Property-8 is located within the city of Portland, county of Multnomah, state of Oregon.

The current title holder and owner of record is Zi Jun Xie. **Subject Property-8** was purchased with cash on November 22, 2017, for an original sale price of \$410,000.

Background Information Related to Marijuana Cultivation in Oregon

13. Based on my training and experience, I know that subjects involved in illegal trafficking involving marijuana commonly use their status in the Oregon Medical Marijuana program (“OMMP”) or Oregon Liquor Control Commission (“OLCC”) regulated market to hide their illegal activity and avoid criminal prosecution. I know that these subjects will further attempt to hide their illegal activity by obtaining licenses for growing marijuana in more than one state to increase the amount of marijuana that can be legally grown and possessed to increase their profit and avoid detection. Furthermore, this “legalization” environment has also emboldened others to enter into the marijuana production market for financial gain without ever following Oregon law. I also know that the marijuana business is primarily a cash business and as such often locate large sums of

United States currency at the locations to be searched or other affiliated places such as safety deposit boxes and storage lockers.

14. I know Oregon is widely recognized as a source for black-market marijuana and marijuana products diverted to other states. Marijuana in Oregon has a competitive price due to its regulated status, large supply, optimal outdoor growing conditions and the number of producers growing it both legally and illegally. Oregon marijuana purchased in-state can double or triple in price when taken out-of-state, creating the opportunity for large profit margin.

15. I have investigated numerous marijuana-related narcotic growing and smuggling schemes in which marijuana cultivated in Oregon is diverted to other states, including Illinois, California, Texas, Louisiana, Florida, Georgia, North Carolina, New York, and Maryland. I have learned that it is common for those engaged in illegal marijuana cultivation to convert personal residences into largescale marijuana cultivation sites for several reasons, including to attempt to elude detection by law enforcement by being inside a residential community. During these investigations, I have been an affiant on warrants executed at both personal and commercial premises that were used to grow marijuana.

16. I have also learned that indoor marijuana-grow operations usually require the use of grow lamps, which consume large amounts of electricity. As a result, power consumption records for residential properties used to grow marijuana are usually distinguishable from residential properties not used for marijuana cultivation. I have observed that particularly high-power consumption at a residence is consistent with illegal indoor cultivation of marijuana.

Background of the Investigation

17. In August 2018, Homeland Security Investigations (“HSI”), Enforcement Removal Operations (“ERO”), Multnomah County Sheriff’s Office (“MCSO”), the Drug Enforcement

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Administration (“DEA”), Oregon State Police (“OSP”), and several other law enforcement agencies (hereinafter collectively referred to as “Investigators”) began investigating a group involved in the illicit cultivation of largescale marijuana grow operations primarily using residential houses in the greater Portland area to grow marijuana in violation of state and federal law. During this investigation, Investigators have identified a Chinese national criminal organization, primarily originating from the province of Taishan, Guangdong, China, responsible for a large number of marijuana grow sites in the greater Portland, Oregon area. To date, Investigators have executed search warrants at eight identified grow locations and have seized a total of approximately 7,878 marijuana plants from the **Defendant Real Properties**, as follows:

- a. **Subject Property-1:** 2,493 marijuana plants
- b. **Subject Property-2:** 1,012 marijuana plants
- c. **Subject Property-3:** 1,339 marijuana plants
- d. **Subject Property-4:** 225 marijuana plants
- e. **Subject Property-5:** 776 marijuana plants
- f. **Subject Property-6:** 695 marijuana plants
- g. **Subject Property-7:** 342 marijuana plants
- h. **Subject Property-8:** 996 marijuana plants

Statement of Probable Cause

A. Agents Execute Multiple Search Warrants at Illegal Marijuana Grow Sites

18. On August 22, 2018, federal search warrants were executed at **Subject Property-1** and **Subject Property-2**. During a search of the Subject Properties, Investigators seized approximately 2,493 marijuana plants from **Subject Property-1** and 1,012 marijuana plants from

Subject Property-2. Chemical analysis confirmed that the plants from **Subject Property-1** and **Subject Property-2** were marijuana, a Schedule I controlled substance.

19. During the search of **Subject Property-1**, Chaoqiang Huang and Xiaozhu Huang were detained and interviewed. After receiving Miranda warnings, Xiaozhu Huang stated that their “boss’s” name was “Wan Neng Wu” and that Wan Neng Wu owned a bar. Xiaozhu Huang stated that they rent the house from Wan Neng Wu and that they are paid approximately \$7,000 a month by Wan Neng Wu to grow the marijuana plants. Chaoqiang Huang stated that he communicated with Wan Neng Wu via his cell phone and that Wan Neng Wu’s cell phone number was 503-808-XXXX (“Wan Neng Wu’s cell phone”). Chaoqiang Huang claimed that he did not know of any other marijuana locations and that **Subject Property-1** was the only site that he assisted with the growing of marijuana. Chaoqiang Huang’s Chinese passport was later found at **Subject Property-2**.

B. Agents Identify Wan Neng Wu and James Wanxing Wu as Business Partners / Brothers

20. On August 23, 2018, at approximately 10:15 a.m., I conducted search queries using Financial Crimes Enforcement Network¹ (“FinCEN”). During a search of FinCEN, I located multiple Currency Transaction Reports² (“CTR”) where the cell phone number 503-808-XXXX (Wan Neng Wu’s cell phone) was reported by Wan Neng Wu. Many of the CTRs reflected that Wan Neng Wu was conducting cash transactions for a business identified as “WU BROTHERS INC

¹ FinCEN is a bureau of the U.S. Department of the Treasury and exercises regulatory functions under the Bank Secrecy Act (“BSA”). Congress has given FinCEN certain duties and responsibilities for the central collection, analysis, and dissemination of data reported under FinCEN’s regulations and other related data in support of government and financial industry partners at the Federal, State, local, and international levels. As a participating member of FinCEN, one can access and review financial data compiled in compliance with the BSA.

² A CTR is a report that U.S. financial institutions are required to file with FinCEN for each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to the financial institution which involves a transaction in currency of more than \$10,000.

DBA CLEARYS RESTAURANT AND SPIRITS," located at 12429 NE Glisan Street, Portland, Oregon, with Oregon Registry #83937392.

21. Using the Oregon Secretary of State website, I learned that the business was created on March 6, 2012, and identified Wan Neng Wu and James Wanxing Wu as the incorporators³ and James Wanxing Wu as the registered agent with a reported address of 2923 SE 112th Avenue, Portland, OR 97266. Because the business name is "WU BROTHERS," I believe that Wan Neng Wu and James Wanxing Wu are brothers.

22. Utilizing various law enforcement databases, I identified James Wanxing Wu as having DOB xx/xx/84 and residing at XXXX SE 112th Avenue, Portland, Oregon.

23. According to a previous HSI investigation, on July 14, 2014, James Wanxing Wu was stopped by Lancaster County Sheriff's Office near Lincoln, Nebraska while traveling from Atlanta, Georgia to Portland, Oregon, in a car. During a search of his car, officers located and seized approximately \$59,700 in United States currency and small quantities of ketamine. After receiving Miranda warnings, James Wanxing Wu admitted that the money was from the sale of marijuana and he was transporting the drug proceeds back to Portland, Oregon.

C. Agents Identify Subject Properties Owned by James Wanxing Wu

24. After the identification of James Wanxing Wu, I conducted search queries for properties owned by James Wanxing Wu in Portland. According to CP Clear, the following properties are owned by James Wanxing Wu:

- a. 920 SE 165th Avenue, Portland, OR 97233 ("Subject Property-3")
- b. 15849 SE Grant Street, Portland, OR 97233 ("Subject Property-4")

³ On October 15, 2015, James Wanxing Wu was removed from the business filings and replaced with Hong Y. Yang, believed to be Wan Neng Wu's spouse.

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25. According to the Multnomah County property website, **Subject Property-3** was purchased by James Wanxing Wu on June 24, 2014, approximately one month before the traffic stop in Nebraska, where James Wanxing Wu admitted to transporting a large sum of United States currency from the sale of marijuana.

26. According to the Multnomah County property website, **Subject Property-4** was purchased by James Wanxing Wu on February 6, 2014, approximately five months before the traffic stop in Nebraska, where James Wanxing Wu admitted to transporting a large sum of United States currency from the sale of Marijuana.

27. On December 13, 2018, federal search warrants were executed at **Subject Property-3** and **Subject Property-4**. During a search of the houses, Investigators seized approximately 1,339 marijuana plants from **Subject Property-3**⁴ and 225 marijuana plants from **Subject Property-4**⁵. In addition, agents also seized approximately 40 kilograms of bulk dried marijuana contained in bags in one pound increments from **Subject Property-4**.

D. Agents Identify Other Marijuana Cultivation Properties from Cell Phone Found at Subject Property-1

28. On August 23, 2018, pursuant to verbal consent received the prior day, I reviewed Chaoqiang Huang's cell phone ("Huang's cell phone"), which was recovered at **Subject Property-1**. I located an application called "WeChat".⁶ While reviewing messages contained in WeChat, I identified a message string between Huang's cell phone and WeChat ID "ruiy_jim." During a review of the messages, I located several communications including:

⁴ Representative samples of the plants have been submitted for chemical analysis but have not been analyzed yet. Based off my training and experience, I believe the plants to be marijuana.

⁵ Representative samples of the plants have been submitted for chemical analysis but have not been analyzed yet. Based off my training and experience, I believe the plants to be marijuana.

⁶ WeChat is a Chinese multi-purpose messaging, social media, and mobile payment app and often used by Chinese nationals to communicate due to the voice recording / messaging capabilities.

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- a. December 15, 2017, at 1:10 p.m., Huang's cell phone shared a pin drop⁷ of the address "2061 SW 29th Drive, Gresham, OR 97080" (**Subject Property-5**).
- b. October 10, 2017, at 6:23 p.m., "ruyi_jim" sent two images of depicting the address 14062 SE Foster Road, Portland, OR 97236" (**Subject Property-8**).
- c. October 10, 2017, at 12:27 p.m., "ruyi_jim" sent an image depicting a large green plant consistent with a marijuana plant.

29. According to the Multnomah County property website, **Subject Property-8** is owned by Zi Jun Xie. During a property records search of properties owned by Zi Xie (owner of **Subject Property-8**, as identified in Huang's cellphone from **Subject Property-1**), I located another property owned by "Xi Zie" – **Subject Property-7**.

30. On October 1, 2018, a federal search warrant was executed at **Subject Property-5**. During a search of **Subject Property-5**, Investigators seized approximately 776 marijuana plants. Chemical analysis confirmed that the plants from **Subject Property-5** were marijuana, a Schedule I narcotic.

31. Based off evidence and observations from **Subject Property-2** after the execution of the search warrant on August 23, 2018, Investigators identified multiple storage units that were being used to store marijuana cultivation equipment that had been removed from **Subject Property-1**, **Subject Property-2**, and **Subject Property-5**.

32. On October 17, 2018, federal search warrants were executed at the storage lockers in Gresham, Oregon. During a search of the storage lockers, Investigators located large amounts of

⁷ A pin drop is an approximate address captured by Google maps utilizing GPS data from the user's cell phone and then converts the data to a physical address. Once converted, the user can share this address with other cell phones.

marijuana cultivation equipment and other evidence. Based off rental records, one of the storage units was rented by Chaojin Hu (owner of **Subject Property-6**) using telephone number 415-527-XXXX. I placed an unrecorded ruse call to Chaojin Hu. In summary, I introduced myself as a Gresham Police Department officer and told Chaojin Hu that a break in had occurred at the storage unit facility. I explained to Chaojin Hu that his storage unit was burglarized and that he needed to come down to the storage unit facility to complete a police report. Chaojin Hu stated that he was currently in Vegas for a month, that he wasn't sure if anything valuable was in the storage unit, and that he could call his "friend" to come down to look.

33. Several minutes after the phone call with Chaojin Hu, a white Honda Odyssey bearing Oregon license plate #505KJX ("Honda") parked at the storage unit facility. Two Asian males, subsequently identified as Ding Hua Huang and Ziqiu Huang, got out of the Honda. I immediately recognized them as two individuals that were detained during the search warrant at **Subject Property-2** on August 22, 2018, where approximately 1,012 marijuana plants were seized. I introduced myself as a Special Agent with HSI and questioned them about the storage unit. In summary, they both stated that they were unemployed and that they were helping their friend, who I believe to be Chaojin Hu owner of **Subject Property-6**, move the marijuana equipment into the storage units because the police raided the "houses," which I believe to be **Subject Property-1**, **Subject Property-2**, and **Subject Property-5**. Ding Hua Huang had one cell phone in his possession, identified as a pink iPhone with telephone number +52 477-580-XXXX and IMEI 35331307130XXXX ("Ding's cell phone"). After written consent by Ding Hua Huang to search the phone, I conducted a review of Ding's cell phone. During the review, in addition to large amounts of photographs of receipts for what I believe to be marijuana cultivation equipment, I located the following items:

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- d. An eight second video taken on October 16, 2018, showing the front of a house that I recognized as **Subject Property-5**. This video was taken after my court authorized search on October 1, 2018, where approximately 776 marijuana plants were seized.
- e. A picture of a sales receipt for a payment to Portland General Electric dated August 15, 2018, for account #0782458815 in the amount of \$579.53, paid for in cash. Pursuant to an administrative subpoena, it was later learned that this PGE account was for **Subject Property-6** in the name of Chaojin Hu, the owner of **Subject Property-6** and the renter of the storage unit found to contain large quantities of marijuana cultivation equipment.
- f. A picture of a sales receipt from Home Depot dated August 9, 2018, for the rental of an insulation blower by Chaojin Hu (owner of **Subject Property-6**) with a reported address of XXXX Clement Street, San Francisco, California and telephone number 415-527-XXXX (this is the same number I called and spoke with Chaojin Hu regarding the storage unit).
- g. A picture of an invoice from NW Natural Gas for Chaojin Hu at a service address of 205 NE 167th Place, Portland, Oregon (**Subject Property-6**).

34. On October 26, 2018, a federal search warrant was executed at **Subject Property-6**. During a search of **Subject Property-6**, Investigators seized approximately 695 marijuana plants⁸.

⁸ Representative samples of the plants have been submitted for chemical analysis but have not been analyzed yet. Based off my training and experience, I believe the plants to be marijuana.

35. On November 13, 2018, federal search warrants were executed at **Subject Property-7** and **Subject Property-8**. During a search of the houses, Investigators seized approximately 342 marijuana plants⁹ from **Subject Property-7** and 996 marijuana plants¹⁰ from **Subject Property-8**.

E. Evidence Suggests Owner's Knowledge of Marijuana Cultivation in Defendant Real Properties

36. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-1** and compared it to the purchase date. During a review of the power usage records, I learned that from January 2016 to October 2016 the **Subject Property-1** used, in my experience, a normal amount of Kilowatt Hours (KWH¹¹) per month. As reflected above, the **Subject Property-1** was purchased on September 9, 2016. Starting in November 2016, less than two months after being purchased by Kevin Yu and Shirley Yu, and up until the date of the search warrant execution on August 22, 2018, the **Subject Property-1** had high power usage, consistent with marijuana cultivation. Furthermore, during the court authorized search of the **Subject Property-1**, I located a lease agreement between Chaoqiang Huang and Kevin Yu indicating Chaoqiang Huang was to rent the **Subject Property-1** for \$6,000 per month plus a \$15,000 security deposit, which in my experience, is extremely high given the current rental market. The non-executed lease identified Karl Yu, the son of Kevin and Shirley Yu, to be the property manager and had multiple documents indicating that the property owner / manager was to complete a walk-thru of **Subject Property-1**. Given the fact that I executed the search warrant on August 22, 2018, that Chaoqiang Huang was

⁹ Representative samples of the plants have been submitted for chemical analysis but have not been analyzed yet. Based off my training and experience, I believe the plants to be marijuana

¹⁰ On the 996 marijuana plants, approximately 312 were considered "clones" and did not appear to have a root structure.

¹¹ The kilowatt hour is a unit of energy equal to 3.6 mega joules. If the energy is being transmitted or used at a constant rate (power) over a period of time, the total energy in kilowatt hours is the power in kilowatts multiplied by the time in hours.

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already residing at **Subject Property-1**, and that a lease document was found to begin effective October 1, 2018, I believe that that Kevin Yu, Shirley Yu, and Karl Yu were aware of the marijuana cultivation scheme occurring at **Subject Property-1**. Moreover, Kevin Yu, Shirley Yu, and Karl Yu have no identifiable connection to Oregon other than **Subject Property-1** and appear to reside in California. I believe that **Subject Property-1** was purchased by Kevin Yu and Shirley Yu for the purposes of marijuana cultivation.

37. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-2** and compared it to the purchase date. During a review of the power usage records, I learned that from June 2017 to December 2017 the **Subject Property-2** appeared to have a normal, average monthly KWH consumption amount. As reflected above, the **Subject Property-2** was purchased on December 22, 2017. Starting in March 2018, less than three months after purchased by Jianhua Liu and Baohong Deng, and up until the date of the search warrant execution on August 22, 2018, the **Subject Property-2** had high power usage, consistent with marijuana cultivation. During the court authorized search of the **Subject Property-2** on August 22, 2018, one of the owners, Baohong Deng, was residing at the **Subject Property-2**. After providing a Miranda warning, I interviewed Baohong Deng. When asked about the marijuana plants, Baohong Deng initially stated that she was growing the marijuana plants for a friend and that she just started. When pressed about the validity of her story, Baohong Deng then stated that the marijuana plants were hers. Baohong Deng stated that she was unemployed and was not getting paid by anybody to grow the marijuana plants. I believe that **Subject Property-2** was purchased by Jianhua Liu and Baohong Deng for the purposes of marijuana cultivation.

38. **Subject Property-3** and **Subject Property-4** were purchased by James Wanxing Wu prior to his encounter with police on July 14, 2014, when James Wanxing Wu was traveling from

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Georgia to Oregon with a large sum of United States currency that he admitted was from the sale of marijuana. I believe that James Wanxing Wu continues to use **Subject Property-3** and **Subject Property-4** to cultivate marijuana to be sold in interstate commerce.

39. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-5** and compared it to the purchase date. During a review of the power usage records, I learned that from August 2017 to November 2017 the **Subject Property-5** appeared to have a normal, average monthly KWH consumption amount. As reflected above, the **Subject Property-5** was purchased on November 22, 2017. Then, after the power subscriber at **Subject Property-5** was changed to Hui Chang Guan, the owner of **Subject Property-5**, on November 22, 2017, and up until the date of the search warrant execution on October 1, 2018, the **Subject Property-5** had high power usage, consistent with marijuana cultivation. Hui Chang Guan has no identifiable connection to Oregon other than **Subject Property-5**. As such, I believe that **Subject Property-5** was purchased by Hui Chang Guan for the purposes of marijuana cultivation.

40. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-6** and compared it to the purchase date. During a review of the power usage records, I learned that prior to July 2018 the **Subject Property-6** appeared to have a normal, average monthly KWH consumption amount. As reflected above, the **Subject Property-6** was purchased on July 3, 2018. Then, after the power subscriber at **Subject Property-6** was changed to Chaojin Hu, the owner of **Subject Property-6**, on July 3, 2018, and up until the date of the search warrant execution on October 26, 2018, the **Subject Property-6** had high power usage, consistent with marijuana cultivation. Furthermore, Chaojin Hu was identified as renting a storage unit that was found to contain marijuana cultivation equipment removed from **Subject Property-1**, **Subject Property-2**,

and **Subject Property-5** on October 17, 2018. I believe that **Subject Property-6** was purchased by Chaojin Hu for the purposes of marijuana cultivation.

41. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-7** and compared it to the purchase date. During a review of the power usage records, I learned that from at least August 2017 to April 2018 the **Subject Property-7** appeared to have a normal, average monthly KWH consumption amount. As reflected above, the **Subject Property-7** was purchased on December 5, 2017. Then, after the power subscriber at **Subject Property-7** was changed to Xuezhang Zhao on April 26, 2018, and up until the date of the search warrant execution on November 13, 2018, the **Subject Property-7** had high power usage, consistent with marijuana cultivation. Furthermore, during the court authorized search of the **Subject Property-8** on November 13, 2018, the utility holder of **Subject Property-7** and **Subject Property-8**, Xuezhang Zhao, was found residing at **Subject Property-8**. After providing a Miranda warning, I interviewed Xuezhang Zhao. When asked about the marijuana plants, Xuezhang Zhao stated that the marijuana plants at **Subject Property-7** and **Subject Property-8** were his and that he rented **Subject Property-7** for \$1,200 and **Subject Property-8** for \$1,800. Xuezhang Zhao stated that he thought the owner of **Subject Property-7** and **Subject Property-8** resided in Canada and claimed that he (the owner) had no knowledge of the marijuana cultivation scheme. When asked about who he paid the rent to, Xuezhang Zhao stated that “Jingting Li” managed the property and that he would pay her in cash at **Subject Property-8**. Xuezhang Zhao stated that he had a lease agreement for **Subject Property-7** and **Subject Property-8** but “ripped it up” immediately after signing the document and no longer had a copy. It should be noted that during the execution of the search warrant at **Subject Property-8**, a white Toyota minivan bearing Oregon license plate #126HZH (“Toyota”) attempted to pull into the driveway, saw the police presence, and then drove away. According to DMV

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records, I learned that the Toyota was registered to Weibin Zhao and Jingting Li, who Xuezhang Zhao claimed was the “property manager.” According to immigration records, I also learned that Weibin Zhao was the son of Xuezhang Zhao. As such, I believe that the statements made by Xuezhang Zhao regarding the property owner of **Subject Property-7** and **Subject Property-8** having no knowledge about the marijuana cultivation scheme were false and were made to protect the owner. I believe that **Subject Property-7** was purchased by Zichong Xie for the purposes of marijuana cultivation.

42. On November 13, 2018, I reviewed the historical power consumption for **Subject Property-8** and compared it to the purchase date. During a review of the power usage records, I learned that from at least August 2017 to January 2018 the **Subject Property-8** appeared to have a normal, average monthly KWH consumption amount. As reflected above, the **Subject Property-8** was purchased on November 22, 2017. After the power subscriber at **Subject Property-8** was changed to Xuezhang Zhao on January 18, 2018, less than two months after being purchased, and up until the date of the search warrant execution on November 13, 2018, the **Subject Property-8** had high power usage consistent with marijuana cultivation. I believe that **Subject Property-8** was purchased by Zi Jun Xie for the purposes of marijuana cultivation.

F. Defendant Real Properties Not in Compliance with Oregon Law for Marijuana Cultivation

43. In Oregon and other states, marijuana production, cultivation, and distribution / sales are legal under state law under certain conditions. As I indicated above in paragraph 13, individuals involved in the illegal production and distribution of marijuana will often attempt to use their registrations with the OMMP and/or OLCC programs as a cover for marijuana-related activity that is illegal under both state and federal law. OSP Sergeant Tyler Bechtel contacted the OLCC and OMMP to ascertain whether the **Defendant Real Properties** were registered within the state of

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Oregon for marijuana production and/or cultivation. I learned that only two out of the eight **Defendant Real Properties** were registered in the state of Oregon to produce / cultivate marijuana. However, the two registered properties, **Subject Property-3** and **Subject Property-4** were registered as grow sites with OMMP for *one* patient, which allows the cultivation of a maximum of six mature marijuana plants and 12 immature marijuana plants. As I indicated above in paragraph 27, I seized approximately 1,339 marijuana plants from **Subject Property-3** and 225 marijuana plants from **Subject Property-4**, far exceeding their allowance even under Oregon state law.

44. OSP Sergeant Tyler Bechtel also contacted OLCC and OMMP to ascertain whether any of the owners / utility holders were registered within the state of Oregon for marijuana production and/or cultivation. I learned the following:

- a. **Subject Property-1:** utility holder Chaoqiang Huang was *not* registered with OLCC / OMMP.
- b. **Subject Property-1:** owners Kevin Yu and Shirley Yu were *not* registered with OLCC / OMMP.
- c. **Subject Property-1:** affiliate Karl Yu was *not* registered with OLCC / OMMP.
- d. **Subject Property-2:** utility holder Jianhua Liu was *not* registered with OLCC / OMMP.
- e. **Subject Property-2:** owners Baohong Deng and Jianhua Liu were *not* registered with OLCC / OMMP.
- f. **Subject Property-3:** utility holder Pham Doan was *not* registered with OLCC / OMMP.
- g. **Subject Property-3:** owner James Wanxing Wu was *not* registered with OLCC / OMMP.
- h. **Subject Property-4:** utility holder Louie Liu was registered with OLCC / OMMP as a patient and grower for himself, which allows a maximum of six mature marijuana plants and 12 immature marijuana plants.

- i. **Subject Property-4:** owner James Wanxing Wu was *not* registered with OLCC / OMMP.
- j. **Subject Property-5:** utility holder and owner Hui Chang Guan was *not* registered with OLCC / OMMP.
- k. **Subject Property-6:** utility holder and owner Chaojin Hu was *not* registered with OLCC / OMMP.
- l. **Subject Property-7:** utility holder Xuezhang Zhao was *not* registered with OLCC / OMMP.
- m. **Subject Property-7:** owner Zichong Xie was *not* registered with OLCC / OMMP.
- n. **Subject Property-8:** utility holder Xuezhang Zhao was *not* registered with OLCC / OMMP.
- o. **Subject Property-8** owner Zi Jun Xie was *not* registered with OLCC / OMMP.

Conclusion

45. In conclusion, the evidence in this declaration provides probable cause to believe that the **Defendant Real Properties** were used to illegally produce and distribute marijuana, in violation Title 21, United States Code, Sections 841, 846, and 856. The **Defendant Real Properties** are therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7).

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46. I have presented this declaration to Assistant United States Attorney Katherine C. de Villiers, who has advised me that, in her opinion, the proposed complaint is supported by probable cause.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Executed this 14th day of December 2018.

s/ Clinton Lindsly

CLINTON LINDSLY

Special Agent

Homeland Security Investigations

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF	
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 390 Other	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark Labor <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 700 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 Appeal to District Judge from Magistrate Judgment <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7

Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):

VI. CAUSE OF ACTION
 Brief description of cause:

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____